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ABSTRACT

The Title IX/Sex Equity training model is designed to assist education personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. This workbook, to be used in conjunction with the trainer manual, provides 15 worksheets for use by participants in a 3 1/2 to 4 hour Title IX/sex equity workshop, whose objectives are (1) to review the requirements of the regulation to implement Title IX of the Education Amendments of 1972 and to give participants an opportunity to assess their own understanding of Title IX requirements; (2) to inform participants about the significance and the structural components of Title IX grievance procedures; and (3) to increase participants' understanding and skills in identifying Title IX violations and in formulating appropriate remedial actions. These worksheets include a checklist for evaluating the content of grievance procedures, the Harper Valley School District Title IX Grievance Procedure, a series of case studies for analysis, and eight sample Title IX grievances. Six appendixes provide the following resources: (1) text of Title IX and a summary of the implementing regulation; (2) components of a grievance procedure; (3) guide to filing a Title IX complaint; (4) definitions; (5) suggested answers to case study discussion questions; and (6) analyses of sample Title IX grievances. A workshop evaluation sheet is included. (TE)

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PARTICIPANT WORKBOOK

TITLE IX--THE REGULATION AND THE GRIEVANCE PROCESS

Prepared by
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April, 1979

Adapted/Adopted
From materials prepared for the
Council of Chief State School Officers'
Title IX Equity Workshops Project
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PREFACE

The Title IX/Sex Equity training model is designed to assist education personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. The training model was utilized and tested in twenty regional workshops by the Council of Chief State School Officers' (CCSSO) Title IX Equity Workshops Project. This project was funded under contract 300-76-0456 with the Women's Program Staff, U.S. Office of Education.

The training model is designed for all persons who have the opportunity to work with any persons interested in Title IX. Workshop sessions are provided for the following groups:

- Administrators, Title IX coordinators, and school board members
- Instructional personnel
- Counseling and pupil services personnel
- Vocational education personnel
- Physical activities personnel (physical education and athletics staff)
- Community group members

The session outlines and materials were originally developed by Martha Matthews and Shirley McCune. Martha Matthews' time was partially supported by funds provided by the Ford Foundation. Shirley McCune and Martha Matthews are co-editors of the training model.

Adaptations in the training materials for Colorado school districts were made by Dr. Martha Fair, Sex-Equity Supervisor for the Colorado Department of Education, and Linda S. Doyle, Consultant. The art work and cover design were done by John Rainey, Media Consultant. Annette Ryan typed and edited the manuals.

Title IX Sex Equity Staff
Equal Education Services Unit
Colorado Department of Education
April, 1979

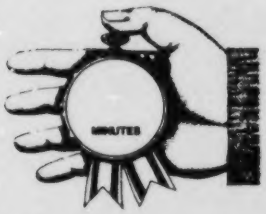
KEY TO DRAWINGS

DRAWING 1: HIP-O-NINER depicts a hippopotamus cheerleader wearing an "IX" on its jersey. This drawing accompanies the heading SESSION OBJECTIVES on page vi.

DRAWING 2: INDIVIDUAL ACTIVITY depicts a person writing alone at a desk. This drawing is not found in the Participant Workbook.

DRAWING 3: SMALL GROUP DISCUSSION depicts six people (of both sexes and several ethnic backgrounds) standing in a circle. This drawing is displayed on all the Participant Worksheets 1-15.

DRAWING 4: LARGE GROUP DISCUSSION depicts ten people (of both sexes and several ethnic backgrounds) sitting or standing in three rows. This drawing is not found in the Participant Workbook.



DRAWING 5: TIME DESIGNATION depicts a hand holding a stop watch which displays the number of minutes needed for each activity. This drawing is not found in the Participant Workbook.

SESSION OBJECTIVES

The objectives for the session are:

To review for participants the requirements of the regulation to implement Title IX of the Education Amendments of 1972.

To provide participants an opportunity to assess their own understandings of Title IX requirements by sharing questions and answers with others.

To provide participants with an understanding of the significance of Title IX grievance procedures as a method for resolving complaints of sex discrimination and for monitoring Title IX compliance.

To provide participants with information regarding the structural components or characteristics of an effective grievance procedure and an opportunity to evaluate the structure of several sample grievance procedures.

To increase participants' understandings of and skills related to their own potential responsibilities for grievance problem solving.

To provide participants an opportunity to increase their skills in identifying Title IX violations and in formulating corrective or remedial actions appropriate to these violations through the analysis of sample Title IX grievances.

Participant
Worksheet 1

CHECKLIST FOR EVALUATING THE CONTENT OF GRIEVANCE PROCEDURES

Listed below are a number of questions which may be used to evaluate the content of Title IX grievance procedures and determine possible needs for modification. Questions are organized into three sections: initiation and filing of the grievance; processing of the grievance; and basic procedural rights. Remember that these questions do not reflect Title IX requirements; they reflect instead general principles of grievance processing. A "no" answer does not indicate a violation of Title IX but it may indicate an area where further specification is desirable.

Initiation and filing of grievances

Does the grievance procedure:

1. Provide clear and adequate definitions of who may grieve, of what issues may be covered by grievances, and of the terms used throughout the procedure?
   ____Yes ____No

2. Cover all students and employees? ____Yes ____No

3. Clearly state the form and procedure for filing of grievances? ____Yes ____No

4. Specify any applicable time limits for the initiation of a grievance? ____Yes ____No

5. Provide for assistance to grievants in the filing/preparation/processing of a grievance?
   ____Yes ____No

6. Specify the responsibilities of institutional/agency staff for the receipt and initial handling of grievances? ____Yes ____No

7. Provide methods for informal and prompt resolution of grievances when further processing is not needed?
   ____Yes ____No

Processing of grievances

Does the grievance procedure:

1. State the number and levels of steps for grievance processing and the criteria for initial referral to each level? ____Yes ____No

2. State the form of grievance presentation and processing (oral/written; hearing officer/hearing panel; etc.) at each step? ____Yes ____No

3. Specify the criteria and procedure for the assignment of initial hearing levels? ____Yes ____No

4. Delineate procedures and responsibilities for notification of all parties at each processing level? ____Yes ____No

5. Delineate timelines for all activities within the grievance procedure? ____Yes ____No

6. Specify the procedures which shall be used in conducting grievance hearings? ____Yes ____No

   a) amount of time allocated to each hearing? ____Yes ____No

   b) amount of time allocated to each party to the grievance? ____Yes ____No

   c) right of each party to representation and assistance? ____Yes ____No

   d) right of each party to present witnesses and evidence? ____Yes ____No

   e) right of each party to question witnesses? ____Yes ____No

   f) roles of persons involved in the hearing? ____Yes ____No

   g) right of grievant to determine whether hearing shall be open to the public? ____Yes ____No

   h) provisions/requirements for recording and hearing? ____Yes ____No

7. Specify any requirements for submission of written information by grievants or others? ____Yes ____No

8. State the form and timelines for the preparation of grievance decisions? ____Yes ____No

9. Clearly state the procedures and timelines for the grievant's acceptance or appeal of grievance decisions? ____Yes ____No

10. Specify the roles and selection of persons involved in grievance processing? ____Yes ____No

Basic and Procedural Rights

Does the grievance procedure:

1. Provide grievants with the right to appeal to progressive levels of decision-making? ____Yes ____No

2. Provide assurances regarding the impartiality of hearing officers? ____Yes ____No

3. Provide for confidentiality of grievance proceedings if so desired by the grievant? ____Yes ____No

4. Provide for grievants' access to relevant institutional/agency records? ____Yes ____No

5. Provide for the protection of grievants and repondents from harassment and entry of information into student and personnel files? ____Yes ____No

6. Provide for confidentiality of grievance records if so desired by the grievant? ____Yes ____No

Participant
Worksheet 2

HARPER VALLEY SCHOOL DISTRICT TITLE IX GRIEVANCE PROCEDURE

Background:

In compliance with Title IX regulations, the Harper Valley School District has developed an internal grievance procedure for filing student and employee discrimination complaints. You are a member of the committee which must approve or revise that grievance procedure.

Directions:

Use the "Checklist for Evaluating the Content of Grievance Procedures" (Participant Worksheet 1) and "Components of a Grievance Procedure" (Appendix B) to evaluate the following internal grievance procedure.

GRIEVANCE PROCEDURE

DEFINITIONS

GRIEVANCE: A formal written complaint which:

1. Sets forth the allegation that there has been a violation, misinterpretation or inequitable application of any district policy or practice involving Federal anti-discrimination legislation;

2. Specifically identifies the policy or statute violated, misinterpreted or inequitably applied;

3. Furnishes sufficient background concerning the alleged violation, misinterpretation or inequitable application to identify persons, actions and/or omissions that led to the allegation.

GRIEVANT: Any student, employee, teacher, or parent aggrieved by a decision or condition falling under the guidelines of Federal anti-discrimination legislation.

STUDENT: Any person enrolled as a student in any school and/or educational or recreational program authorized by the Harper Valley Board of Education.

EMPLOYEE: Any full-time or part-time teacher, secretary, clerk, custodian, clearer, administrator, or other person receiving compensation for services rendered to the Harper Valley Board of Education.

SUPERINTENDENT or BOARD'S AGENT: The Superintendent of Schools or a designated agent for the Harper Valley Board of Education.

RESPONDENT: The Harper Valley Board of Education.

COMPLIANCE OFFICER: The School District employee or employees designated to coordinate compliance efforts with Federal anti-discrimination legislation and charged with the responsibility of investigating complaints

General Provisions:

A. A grievance must be filed within 90 days of the date of the circumstances which occasioned the grievance.

B. No person shall suffer recrimination or discrimination because of participation in this grievance procedure.

C. Whenever possible, hearings will be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school programs.

D. Employees shall be free to testify regarding any grievance filed hereunder and the expense of necessary and approved release time shall be borne by the school district when hearings must be scheduled during the school day.

E. Confidentiality will be observed pending resolution of the grievance or final decision by the Board of Education.

F. Nothing contained herein shall be construed to limit in any way the option of the district and the grievant to resolve any grievance mutually and informally.

G. These grievance procedures will not be required to be followed if the other statutory procedures are available.

Procedure:

Level I: a) The grievant shall prepare and file the grievance with the Compliance Officer.

b) The Compliance Officer shall investigate the complaint with parties concerned in the grievance within ten (10) calendar days of the grievance filing.

c) The Compliance Officer shall issue a written report setting forth his/her findings and recommendations for the resolution of the grievance within five (5) calendar days after the conclusion of the investigation.

d) The grievance shall be considered resolved if the grievant fails to file the grievance at Level II within the time limits set forth herein.

e) If no written report has been issued within the time limits set forth in "c)" above, or if the grievant or district shall reject the recommendations of the Compliance Officer, the grievant shall be free to file the grievance at Level II.

Level II: a) The grievant shall file the grievance with the designated agent of the Board of Education within ten (10) days of the date the Compliance Officer's report was (or should have been) issued. This designated agent may be an employee of the district, but may

not be the Compliance Officer or a person involved in the grievance.

b) Within ten (10) days of the receipt of the grievance, the Board's agent shall conduct a hearing with all parties involved in the grievance.

c) Within five (5) days of the completion of the hearings, the Board's agent shall prepare and issue a report setting forth recommendations for the resolution of the grievance.

d) The grievance shall be considered resolved if the grievant accepts the recommendations of the Board's agent, or if the grievant fails to file the grievance at Level III within the time limits set forth herein.

Level III: a) If the grievant rejects the recommendations of the Board's agent, or if the Board's agent fails to issue a report within the time limits set forth above, the grievant shall be free to file the grievance at Level III within ten (10) days of the date the Board's agent recommendations were (or should have been) issued.

b) In any matter where the law requires a hearing before the Board of Education, the third step of this procedure shall be that hearing.

c) In any matter where the law does <u>not</u> require a hearing before the Board of Education, the third step of this procedure shall be conducted by a mutually-selected compliance panel.

1. The grievant shall file the grievance by delivering it to the Board of Education within the time limits set forth herein. Such filing shall name a person selected by the grievant to sit upon an ad hoc Compliance Panel.

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2. Within five (5) days of receipt of the grievance, the ranking officer of the Board shall appoint one member to the Compliance Panel.

3. The two members so selected shall meet and mutually agree upon a third Panel member who shall be the chairperson of the Panel. In the event the two members are unable to agree upon a third, they shall request the presiding judge of the county court to appoint the chairperson.

4. Within fifteen (15) days of the filing of the grievance at Level III, the Compliance Panel shall convene, hear the testimony of all interested parties, and seek such legal guidance as it deems necessary. The Compliance Panel shall have the authority to call witnesses and to establish the procedures for the hearing.

5. Within twenty-five (25) days of the filing of the grievance at Level III, the Compliance Panel shall issue its findings of fact and specific recommendations for the resolution of the grievance to both the grievant and the Board of Education. The grievance shall be considered resolved if the recommendations of the Panel are accepted by the Board and the grievant.

6. The actual and necessary expenses of the Panel shall be jointly borne by the Board of Education and the grievant. Fees of Panel members, if any, shall be paid by the parties who appointed them, and fees, if any, of the Panel chairperson shall be jointly paid by the grievant and the district.

Post Grievance Procedure Resolution:

In the event that the grievance remains unresolved at the termination of this grievance procedure, the grievant is free to pursue such litigation or statutory remedy as the law may provide.

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HARPER VALLEY SCHOOL DISTRICT STATEMENT OF GRIEVANCE FORM

NAME OF: STUDENT _____

OR

EMPLOYEE _____

SCHOOL OR DEPARTMENT _____

_____

STATEMENT OF COMPLAINT:

SOLUTION SUGGESTED BY COMPLAINANT:

_____

SIGNATURE OF STUDENT OR EMPLOYEE

DATE SUBMITTED: _____

10

Participant
Worksheet 3

CASE STUDY FOR ANALYSIS #1

Late Friday afternoon, three people meet in the principal's office at the Metropolitan School. The three people are Mr. Knitt, the principal, Ms. Rears, the assistant principal, and Ms. Ramirez, who is noticeably pregnant. Mr. Knitt, arms folded, head slightly bowed, walks nervously to and fro in front of a large, immaculately polished mahogany desk. Ms. Rears is seated beside Ms. Ramirez.

KNITT: Ms. Ramirez (pause), I have asked you to my office to discuss (hesitantly) your present condition.

RAMIREZ: My condition, Mr. Knitt?

KNITT: (more confidently) Well, you are obviously pregnant, and judging from my own experience in this area---

RAMIREZ: Your experience in this area, Mr. Knitt?

KNITT: I have three children--that is, my wife and I have three children. And, I want you to know that during her three pregnancies I never once allowed her to do any work that I considered emotionally strenuous or exacting!

RAMIREZ: What has that to do with me, Mr. Knitt? What strenuous work am I doing?

KNITT: You have 33 active youngsters in your classroom and to my way of thinking, that must be a physical and emotional strain on you--in your present condition, I mean!

REARS: I quite agree with Mr. Knitt, Ms. Ramirez! Your present condition precludes your handling effectively any discipline problems that might arise in that sixth-grade classroom.

KNITT: We think that you ought to take a leave of absence immediately--beginning Monday of next week!

RAMIREZ: Mr. Knitt, I am not suffering from any ill-effects of being pregnant. My health is excellent. I gave you a doctor's statement attesting to my health only last week! And I really do need to continue working.

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KNITT: I recall vividly that my wife, while pregnant, suffered daily from nausea and morning sickness. Ms. Rears here has majored in P.E. and she tells me that nausea and morning sickness are common during pregnancy.

REARS: Mr. Knitt is absolutely correct. Nausea, vomiting, and general blahs are common in pregnancies. Such infirmities would not only handicap you as a teacher, but would be disruptive to a classroom.

RAMIREZ: Do you also have children, Ms. Rears?

REARS: No! I am not married! Nor have I ever been married!

RAMIREZ: Have you ever had a child?

REARS: The answer to that question should be obvious! I've stated that I am not married.

KNITT: Ms. Ramirez, I do not wish to prolong the discussion. Ms. Rears and I are looking out for your well-being.

RAMIREZ: My well-being is dependent on my continued working, Mr. Knitt. I am only four months pregnant. I need to help my husband finish his last year in medical school.

KNITT: Ms. Ramirez, I--that is, Ms. Rears and I--fear for your safety. We must guard against every eventuality. You have playground duty this entire month. What if on the playground some child, running with reckless abandon, bumps into you? I cannot conscientiously permit you to continue teaching in your present condition. I suggest that you take a leave of absence. After your baby is born--and you've had several months to recuperate--why, you'll be as good as new and able to return to work. Your job will be waiting--I'll see to that!

RAMIREZ: Mr. Knitt, I have given you a signed statement from my doctor, stating that I am perfectly capable of carrying out my assigned duties.

REARS: Pregnancies are unpredictable, Ms. Ramirez. What do you suppose would happen if your baby was born prematurely here at school? What would your class think? How could we explain that--that--event?

RAMIREZ: Giving birth is a most beautiful experience---

KNITT: Here! Here! What I am telling you, Ms. Ramirez, is a matter of district policy! I don't make the rules! As for your doctor's statement---hell, he doesn't know the hazards of this job.

RAMIREZ: Mr. Knitt, I can assure you that I have had no experience here that would jeopardize my health or the health of the child that I carry. There is absolutely nothing to prevent me from continuing my responsibilities. Has the quality of my work suffered? My class behaves beautifully!

KNITT: Ms. Ramirez, as of Monday morning I will have assigned Ms. Rears to your classroom!

DISCUSSION QUESTIONS:

1. What laws have been violated?

2. What recourse does the law provide for Ms. Ramirez?

3. What do you predict would be the outcome of a complaint filed with the Office of Civil Rights?

Participant
Worksheet 4

CASE STUDY FOR ANALYSIS #2

JOB DESCRIPTION: Athletic Director.

The applicant will initiate, design and implement schedules, travel, equipment and budget for the sports of volleyball, swimming, and track. The applicant would travel with teams to major events.

During an interview for a position as Athletic Director, Ms. Ann Reedtree was asked to respond to a series of questions by Mr. Lenhope, personnel interviewer:

LENHOPE: Ms. Reedtree, it says on your application that you are willing to travel.

REEDTREE: That's correct. I am free to travel.

LENHOPE: Does that mean you are not married, Ms. Reedtree?

REEDTREE: No! It means that my husband has no objections to my doing work that requires traveling.

LENHOPE: The job may require that you spend several nights away from home...possibly in a motel with a male co-worker. Do you see any problems, er... in dealing with a man who might make sexual advances?

REEDTREE: Mr. Lenhope, I'm looking for a job, not sexual experience; in answer to your first question... motels usually have more than ONE room.

LENHOPE: You are young and attractive...

REEDTREE: 26!

LENHOPE: And it would not be unusual for a man to make sexual overtures. I mean it's normal for a man to behave...

REEDTREE: Sir, may I repeat that I am not in the least interested in the sexual problems of the employees in this university; and furthermore, I can assure you that I am perfectly capable of taking care of myself. And, if by some chance, I can't, believe me, my husband can!

LENHOPE: Ms. Reedtree, do you use birth control?

REEDTREE: That, sir, is none of your damn business.

LENHOPE: Well, Ms. Reedtree, you seem to have all the requirements for the position, but I seriously question your emotional stability. If you do not hear from us within three days, you will know that someone else got the position.

DISCUSSION QUESTIONS:

1. What elements are missing in the interview?

2. Which of the concerns that the interviewer has are permissible ones for discussion during an interview?

3. Which questions represent unlawful sex biases?

Participant
Worksheet 5

CASE STUDY FOR ANALYSIS #3

The soccer team at Lowell High School is co-educational. The Lowell team has a six-game schedule in which they play other co-ed teams.

One of the girls on Lowell's team was accidentally kicked by a teammate during practice. The girl's shin was seriously skinned and swollen. Though she had been playing with proper shin guards as equipment, her injury required two weeks of supervision by a physician.

The girl's parents became irate about their daughter's injury. As a part of the parents' protest, they asked that the soccer team be separated into teams for boys and girls. The girl student is anxious to return to the team as it exists.

DISCUSSION QUESTIONS:

1. Which rule under Title IX regulations support the present arrangement for soccer at Lowell High School?

2. What are the implications for the athletic director in this case?

3. What will happen if the parents bring a suit against the school district?

Participant
Worksheet 6

CASE STUDY FOR ANALYSIS #4

Plaza Jr. High School planned a Students' Orientation Day. The requirements for high school graduation were distributed and explained to the recent junior high school graduates.

One of the requirements was that all girls have one unit of home economics and/or driver's education. One requirement was that all boys take one course in industrial arts and/or driver's education. As further explanation, students were told that girls might take industrial arts courses, but that those courses could not be used to satisfy the home economics requirement for graduation. Furthermore, boys were told that they could take home economics courses, but not for credit.

The following week, parents were invited to a Parent-Teacher Organization meeting for an orientation session. Parents were asked to discuss any questions that they had relating to their children's curriculum programs.

One mother asked for a waiver of the home economics requirement for her daughter. She asked that her daughter be allowed to take wood shop instead of home economics. The parent was told that this kind of waiver was impossible as wood shop classes were already overcrowded.

DISCUSSION QUESTIONS:

1. Was the parent's request a valid one?

2. How should this mother follow up her request since it was denied?

3. What would be the result if:

   a. The Title IX grievance committee held a hearing?

   b. The Office of Civil Rights received this case as a complaint?

   c. The mother filed a suit under Title VI of the Civil Rights Act of 1964?

Participant
Worksheet 7

CASE STUDY FOR ANALYSIS #5

The Bryant Elementary School has planned a May Day with many field events. The boys' track team has won many state championships. Several track and field events are planned. The coach has arranged for driver's education cars and instructors to take the boys home after practice.

The girls' coach has planned several track and field competitions for the girls. Parents have volunteered car pools to transport the girls from practices held after school.

The girls' coach asked that two girls be allowed to ride home with the boys in the driver's education car pool. She was told that the two activities were paid out of separate funds and that she could not share the arrangement made by the boys' coach. Also, she was warned that she had violated school policy by allowing parents to supply car pools for after-school activities.

The girls' coach appealed the athletic director's decision to the principal and asked for assistance with transportation for the two girls. The principal told her that girls should have fun with track and field, but should not become as competitive or as involved as the boys. He said that school funds were being used to transport boys because they were state champions. He felt that the girls would not pursue the track and field after May Day so there was no need to expend funds for such temporary participation.

The teacher contacted the district's Title IX Coordinator. A conference was scheduled.

DISCUSSION QUESTIONS:

1. What factors will the Title IX Coordinator bring to the attention of the teacher? Principal?

2. What steps should the principal take for immediate changes?

3. What would the effect on students be if policies and procedures remained unchanged?

Participant
Worksheets 8 - 15

SAMPLE TITLE IX GRIEVANCES

DIRECTIONS:

Following this page you will find eight sample Title IX grievance worksheets (Participant Worksheets 8-15). Each of these sample grievances reflects a day-to-day problem in Title IX implementation. Read each grievance carefully. Then, answer the questions on the grievance resolution form provided on the back of the worksheet. You will need to determine:

Whether or not the grievance is in violation of the Title IX regulation;

Your reasons for deciding whether or not it is a violation of the Title IX regulation;

Suggestions for corrective actions;

Suggestions for remedial actions.

REMEMBER:

Corrective actions are those taken to modify a discriminatory policy, program, or practice to attain its compliance with the Title IX regulation.

Remedial actions are those taken to overcome the effects of the discriminatory policy, program, or practice.

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Participant
Worksheet 8

SAMPLE TITLE IX GRIEVANCES

NAME OF GRIEVANT Julio Vargas

DATE OF FILING 9/7/76

SCHOOL OR POSITION Parent of Inez Vargas, student at 5th St. Elementary School Member, Bethel Board of Education
ADDRESS 456 Lorcum Lane

TELEPHONE NUMBER 973-0188

NATURE OF GRIEVANCE It's my understanding that school districts are required by law to comply with Title IX (Education Amendments of 1972). Initial requirements include enacting a policy of non-discrimination and notifying staff, students, and parents; designation of a compliance officer; setting up a grievance procedure; and conducting an institutional self-evaluation. I have asked the superintendent repeatedly for evidence that we have met at least the first year requirements and for a record of corrective and remedial steps that have been taken by the school district. His response is that, "we don't have to worry about that until someone comes in to check and that's most unlikely." I'm filing this grievance on behalf of my child who must be provided notification of the school district's policy of non-discrimination.

NAMES AND ADDRESSES OF OTHERS INVOLVED IN THE GRIEVANCE AND THE NATURE OF THEIR INVOLVEMENT

SIGNATURE OF GRIEVANT

Gordon Dickinson, Title IX Coordinator
PERSON RECEIVING GRIEVANCE

RESOLUTION OF GRIEVANCE

(1) VIOLATION: __Yes __No (Please give the reasons for your decision.)

(2) CORRECTIVE ACTION RECOMMENDED:

(3) REMEDIAL MEASURES RECOMMENDED:

Participant
Worksheet 9

SAMPLE TITLE IX GRIEVANCES

NAME OF GRIEVANT Friends of Education Sex Stereotyping Committee

DATE OF FILING 11/10/76

SCHOOL OR POSITION Iliff Area School District

ADDRESS 625 Columbine Street, Iliff

TELEPHONE NUMBER 771-3660

NATURE OF GRIEVANCE The Sex Stereotyping Committee of the Friends of Education have completed a study of the basal reading materials used in our schools and have found the materials to be sex biased and discriminatory. The committee wishes to file a sex discrimination complaint and urges discontinuance of these materials.

NAMES AND ADDRESSES OF OTHERS INVOLVED IN THE GRIEVANCE AND THE NATURE OF THEIR INVOLVEMENT

SIGNATURE OF GRIEVANT

James Patton, Principal
PERSON RECEIVING GRIEVANCE

RESOLUTION OF GRIEVANCE

(1) VIOLATION: __Yes __No (Please give the reasons for your decision.)

(2) CORRECTIVE ACTION RECOMMENDED:

(3) REMEDIAL MEASURES RECOMMENDED:

Participant
Worksheet 10

SAMPLE TITLE IX GRIEVANCES

NAME OF GRIEVANT Flo Perkins

DATE OF FILING 9/25/76

SCHOOL OR POSITION Matron, Dade Jr. High

ADDRESS 523 West Eighth Street

TELEPHONE NUMBER 229-2671

NATURE OF GRIEVANCE I am the night matron at Dade Jr. High. My job includes general cleaning. I would like to apply for the janitorial position because janitors make $1.75 per hour more than matrons for just about the same work. I was told that I could not apply for the job because it was too hazardous for a woman. When I asked they told me that the putting up of ladders and replacing of light bulbs would be dangerous for women. I've seen the janitor in my buidling replace 3 lightbulbs in the last 6 months. I can do that if they would let me, but they won't even let me try.

NAMES AND ADDRESSES OF OTHERS INVOLVED IN THE GRIEVANCE AND THE NATURE OF THEIR INVOLVEMENT

Mr. Harry Caldwell, Business Manager, Jamestown City Schools

SIGNATURE OF GRIEVANT

Jeanne Grant, Title IX Coordinator
PERSON RECEIVING GRIEVANCE

RESOLUTION OF GRIEVANCE

(1) VIOLATION: __Yes __No (Please give the reasons for your decision.)

(2) CORRECTIVE ACTION RECOMMENDED:

(3) REMEDIAL MEASURES RECOMMENDED:

Participant
Worksheet 11

SAMPLE TITLE IX GRIEVANCES

NAME OF GRIEVANT Nancy Holgate-Wilson

DATE OF FILING 10/14/76

SCHOOL OR POSITION Counselor, Miller High School

ADDRESS 2500 Miller Road

TELEPHONE NUMBER 265-3790

NATURE OF GRIEVANCE As a counselor in the district, I'm aware of and sensitive to my responsibilities under Title IX. Several months ago Bob Hawker, metals shop teacher, told me that if I scheduled any female into his class, she would be back in my office within two weeks. Vennie Lawrence expressed an interest in metals this fall and I scheduled her in a metals class. In ten days she was back, complaining that she was harassed by the teacher and other students. I have responsibilities under Title IX; don't teachers, too?

NAMES AND ADDRESSES OF OTHERS INVOLVED IN THE GRIEVANCE AND THE NATURE OF THEIR INVOLVEMENT

Vennie Lawrence, 10th Grade Student

SIGNATURE OF GRIEVANT

Lennie Maxwell, Principal
PERSON RECEIVING GRIEVANCE

RESOLUTION OF GRIEVANCE

(1) VIOLATION: __Yes __No (Please give the reasons for your decision.)

(2) CORRECTIVE ACTION RECOMMENDED:

(3) REMEDIAL MEASURES RECOMMENDED:

Participant
Worksheet 12

SAMPLE TITLE IX GRIEVANCES

NAME OF GRIEVANT Katrina Breedlove

DATE OF FILING 10/22/76

SCHOOL OR POSITION Jefferson High School, Junior

ADDRESS 1185 Benson Court

TELEPHONE NUMBER 264-4966

NATURE OF GRIEVANCE I want to attend the auto mechanics course at the local vocational scool. The teacher has said that this is permissible because all courses are open to boys and girls. The problem is that I am required to produce a signed statement which states that upon successful completion of the course I will have a job waiting for me. When I asked why I needed this I was told that girls have a harder time getting jobs and that there are a lot of boys waiting to get into the program. I don't think that boys have to have the same kind of statement. If I have to do that, shouldn't the boys have to do it also?

NAMES AND ADDRESSES OF OTHERS INVOLVED IN THE GRIEVANCE AND THE NATURE OF THEIR INVOLVEMENT

Dr. Tim Jamieson, Director, Valley View Vocational School

SIGNATURE OF GRIEVANT

Bernice Morgan, Title IX Coordinator
PERSON RECEIVING GRIEVANCE

RESOLUTION OF GRIEVANCE

(1) VIOLATION: __Yes __No (Please give the reasons for your decision.)

(2) CORRECTIVE ACTION RECOMMENDED:

(3) REMEDIAL MEASURES RECOMMENDED:

Participant
Worksheet 13

SAMPLE TITLE IX GRIEVANCES

NAME OF GRIEVANT Connie Jacobs

DATE OF FILING 10/18/76

SCHOOL OR POSITION Junior at Jamestown High School

ADDRESS 14 Woodside Lane

TELEPHONE NUMBER 449-7057

NATURE OF GRIEVANCE Last year I was absent from school for the last two weeks to have a baby. When I returned this fall, Mrs. Johnson told me I couldn't be on the cheerleading squad even though I was on last year because of a rule that girls who have been pregnant can't be in afterschool activities. There's a boy on the football team who brags all the time to everyone about his baby, and no one kicks him off the team even though the coach knows about it. It isn't fair.

NAMES AND ADDRESSES OF OTHERS INVOLVED IN THE GRIEVANCE AND THE NATURE OF THEIR INVOLVEMENT

Mrs. Gloria Johnson, cheerleading squad advisor

SIGNATURE OF GRIEVANT

William Jefferson, Principal
PERSON RECEIVING GRIEVANCE

RESOLUTION OF GRIEVANCE

(1) VIOLATION: __Yes __No (Please give the reasons for your decision.)

(2) CORRECTIVE ACTION RECOMMENDED:

(3) REMEDIAL MEASURES RECOMMENDED:

Participant
Worksheet 14

SAMPLE TITLE IX GRIEVANCES

NAME OF GRIEVANT Angelo Scalva

DATE OF FILING 9/27/76

SCHOOL OR POSITION P.E. Teacher, Baker Junior High

ADDRESS 10023 Redfern Avenue

TELEPHONE NUMBER 794-3889

NATURE OF GRIEVANCE It's my understanding that physical education classes have to be coed to comply with Title IX. Although we have mixed male/female teaching teams, the girls end up at one end of the floor with the female teacher while the boys end up at the other end with the male teacher. It happens for both contact and non-contact activities. When I've asked the physical education department head about this, he indicated that Title IX was ridiculous and that our school has devised this way of getting around the regulation. I'm uncomfortable about my involvement in something which I believe is illegal. Is there any way to resolve this issue?

NAMES AND ADDRESS OF OTHERS INVOLVED IN THE GRIEVANCE AND THE NATURE OF THEIR INVOLVEMENT

Joe Kennelsworth, P.E. Dept. Head

SIGNATURE OF GRIEVANT

Rod Meany, Principal, Baker Junior High
PERSON RECEIVING GRIEVANCE

RESOLUTION OF GRIEVANCE

(1) VIOLATION: __Yes __No (Please give the reasons for your decision.)

(2) CORRECTIVE ACTION RECOMMENDED:

(3) REMEDIAL MEASURES RECOMMENDED:

Participant
Worksheet 15

SAMPLE TITLE IX GRIEVANCES

NAME OF GRIEVANT Evelyn Marcus

DATE OF FILING 10/18/76

SCHOOL OR POSITION P.E. teacher at Haller Junior High

ADDRESS 7840 South Villa Road

TELEPHONE NUMBER 770-5426

NATURE OF GRIEVANCE Because of the new Title IX regulations, our P.E. girls' and boys' departments have been consolidated in a unified department of physical education. The former boys' department chairman has been named head of the new department. The problem is that he has issued keys to the equipment room to male staff members only and has placed male staff in charge of supervising all classes (we teach in male/female teams), saying the men need the responsibility for discipline reasons. I think it's very unfair, but the chairman says Title IX doesn't cover administrative structures and it's my tough luck. I'm not a tenured teacher; how much can I push?

NAMES AND ADDRESSES OF OTHERS INVOLVED IN THE GRIEVANCE AND THE NATURE OF THEIR INVOLVEMENT

Mr. James Thompson, P.E. department chairman, Haller Junior High

SIGNATURE OF GRIEVANT

Carlos Montoya, Principal
PERSON RECEIVING GRIEVANCE

RESOLUTION OF GRIEVANCE

(1) VIOLATION: __Yes __No (Please give the reasons for your decision.)

(2) CORRECTIVE ACTION RECOMMENDED:

(3) REMEDIAL MEASURES RECOMMENDED:

APPENDICES

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APPENDIX

A

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972— A SUMMARY OF THE IMPLEMENTING REGULATION

Introduction

Title IX of the 1972 Education Amendments is the first comprehensive Federal law to prohibit sex discrimination in the admission and treatment of students by education institutions receiving Federal financial assistance. Sex discrimination in the employment policies and practices of educational institutions is also prohibited. The intent of the law is to eliminate sex discrimination in the programs, policies, and administration of educational institutions. It reads:

> *No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

The implementing regulation for Title IX was issued by the Secretary of Health, Education, and Welfare in June, 1975. Its provisions may be grouped into five major sections—general provisions (contained in Subpart A of the regulation), which outline the general procedures required for ensuring nondiscrimination and compliance with the regulation; coverage provisions (Subpart B of the regulation), which identify the education institutions, programs, and activities covered by the regulation; admissions provisions (Subpart C of the regulation), which specify prohibitions of discrimination in the recruitment and admissions of students; provisions pertaining to the treatment of students in educational programs and activities (Subpart D of the regulation), which delineate the standards of nondiscrimination in student programs; and employment provisions (Subpart E of the regulation), which establish the requirements for nondiscrimination in employment.

Following is a summary of the regulation. It follows the sequence of the regulation itself; the number contained in brackets at the end of each summary paragraph refers to the section of the regulation from which the information is derived.

Two definitions contained in the regulation are of importance to users of this summary:

Recipient: The "recipient" referred to throughout the summary is defined as "any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance." [§86.2(h)]

Federal financial assistance: Education agencies or institutions which receive any of the following are considered recipients of "Federal financial assistance" for purposes of Title IX:

- grants or loans from the Federal Government, including funds for:
  - –acquisition, construction, or renovation of buildings or facilities;
  - –scholarships, loans, grants, wages, or other funds extended for payment to or on behalf of students of the institution, whether paid to the institution or directly to students for payment to the institution.
- grants of Federal property
- provision of the services of Federal personnel
- any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty. [§86.2(g)]

Copies of the regulation have been supplied to all local education agencies and post-secondary institutions. Copies of the regulation may also be obtained from the Department of Health, Education, and Welfare, Washington, D.C. 20201.

TITLE IX—A SUMMARY OF THE IMPLEMENTING REGULATION

GENERAL PROVISIONS

Remedial action. In the event of a finding of sex discrimination by the Director of the Office for Civil Rights in an education program or activity of a Federally assisted institution or agency, the institution or agency may be required to take remedial action to overcome the effects of such discrimination. Such requirement would be specified by the Director. [§86.3(a)]

Affirmative action. In the absence of a finding of sex discrimination, a recipient education institution may take affirmative action to overcome the effects of conditions which resulted in limited participation by persons of a particular sex. [§86.3(b)]

Self-evaluation. Every education institution receiving Federal funds must, within one year of the effective date of the regulation:

- evaluate its policies and practices as to their compliance with the regulation;
- modify its policies and practices as necessary for compliance;
- take appropriate remedial steps to eliminate the effects of discrimination resulting from these policies and practices.

A description of any modifications and remedial actions taken must remain on file for at least three years following completion of the evaluation. [§86.3(c)]

Assurance required. Every application for Federal financial assistance for any education program or activity must as a condition of its approval, contain or be accompanied by an assurance form certifying compliance with the regulation. Forms will be supplied by the Office for Civil Rights, HEW. [§86.4]

Designation of responsible employee. Every recipient must designate at least one employee to coordinate compliance efforts and investigate any complaints of sex discrimination; all students and employees must be notified of the name, office address, and phone number of this employee. [§86.8(a)]

Grievance procedures. Every recipient must adopt and publish grievance procedures providing for resolution of student and employee complaints. (Utilization of these procedures is not a prerequisite for the filing of a complaint with the Office for Civil Rights, HEW.) [§86.9(a)]

Notification of policy. Recipients must take specific and continuing steps to notify applicants for admission, students, parents, employees, and all unions or professional organizations holding bargaining or professional agreements with the recipient of its compliance with Title IX. Initial notification was required by October 19, 1975. [§86.9(a)]

Publications. Recipients must include a policy statement of nondiscrimination on the basis of sex announcement, bulletin, catalog, application form, or other materials used in connection with the recruitment of students or employees. No publication should suggest, by text or illustration, that the recipient treats students, applicants, or employees differently on the basis of sex except as permitted by the regulation. [§86.9(b)]

COVERAGE

General. The regulation applies to every recipient and to each education program or activity operated by a recipient which receives or benefits from Federal financial assistance. (Information regarding judicial interpretation of this language is provided in the preamble to the regulation. In analogous cases regarding racial discrimination, courts have held that the education functions of a school district or college include any service, facility, activity, or program which it operates or sponsors, including athletics and other extracurricular activities. The Federal funds may be terminated upon a finding that "they are infected by a discriminatory environment.") [§86.11]

Exemptions from coverage include: educational institutions controlled by religious organizations, to the extent that compliance would not be consistent with religious tenets; military and merchant marine educational institutions; and social fraternities and sororities in post-secondary institutions, YM and YWCA's, Girl and Boy Scouts, Camp Fire Girls, and other voluntary youth service organizations. [§86.12, §86.13 and §86.14]

Coverage of the admissions provisions applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education, other than those which have been traditionally and continually single sex. This does not include first-degree professional and vocational programs offered at private undergraduate institutions. [§86.15]

TREATMENT OF STUDENTS IN EDUCATION PROGRAMS AND ACTIVITIES

General. All education institutions or activities receiving Federal financial assistance are subject to these regulatory requirements, including those whose admissions are exempt from coverage. This portion of the regulation requires that:

> *no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training or any other education program or activity operated by a recipient.* [§86.31(a)]

It specifically provides that recipient institutions may not, on the basis of sex:

- provide different aid, benefits, or services;
- deny any person such aid, benefit, or service;
- subject any person to separate or different rules of behavior, sanctions, or other treatment;
- discriminate against any person in the application of any rules of appearance;
- apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state tuition;
- provide significant assistance (defined in the preamble to the Regulation as facilities or a faculty sponsor) to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefits, or service to students or employees;
- limit any person in the enjoyment of any right, privilege, advantage, or opportunity. [§86.31(b)]

Assistance administered by an institution for study abroad. A recipient institution may administer awards established by foreign or domestic legal instruments restricted to members of one sex which are designed to provide opportunities for study abroad provided the institution otherwise makes available reasonable opportunities for members of the other sex. [§86.31(c)]

Programs not operated by recipients. A recipient institution may not facilitate, require, permit, or consider as part of an activity or program it operates, participation by any applicant, student, or employee in a program not operated by the recipient which discriminates on the basis of sex. This includes participation in educational consortia and cooperative employment and student teaching assignments. [§86.31(d)]

Housing. A recipient may not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing. A recipient may provide separate housing on the basis of sex, provided that housing provided for students of one sex, when compared to that provided to students of the other, is as a whole proportionate in quantity to the number of students of that sex applying and comparable in quality and cost to the student. [§86.32(a)(b)]

A recipient which assists any agency or person in making housing available to its students must take reasonable action to assure itself that housing provided is proportionate in quantity

ADMISSIONS

The regulation requires that no person may, on the basis of sex, be denied admission or be subject to discrimination in admission by any recipient subject to the admissions provisions of Title IX. Specifically prohibited are:

- ranking applicants separately on the basis of sex;
- applying numerical limitations on the number or proportion of either sex who may be admitted;
- treating one individual differently from another on the basis of sex;
- administering any test or criterion for admission which has a disproportionately adverse effect on members of one sex unless such test or criterion is shown to validly predict success in the education program or activity and alternative tests are not available;
- applying any rule concerning the actual or potential parental, marital, or family status of a student which treats persons differently on the basis of sex;
- discriminating against or excluding any person on the basis of pregnancy or related conditions (these must be treated as any other temporary disability);
- making pre-admission inquiry as to the marital status of an applicant. [§86.21(a), (b), (c)]

Discrimination in the recruitment of applicants for admission is also prohibited:

- preference may not be given nor may applicants for admission be recruited on the basis of attendance at an educational institution which is predominantly single sex unless the pool of applicants eligible for such preferences includes roughly equivalent numbers of males and females [§86.22];
- a recipient may not discriminate on the basis of sex in the recruitment of students unless additional recruitment efforts for members of one sex are undertaken as remedial or affirmative action. [§86.23(a)]

- apply any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other with regard to marital or parental status;

- assist, through solicitation, listing, approval, or provision of facilities or services, any agency or person which provides assistance to a recipient's students in a manner which discriminates on the basis of sex. [§86.37(a)]

Recipients may administer financial assistance established by domestic or foreign instruments which require that awards be made to members of a specified sex provided that the overall effect of the awarding of such sex-restricted funds does not discriminate on the basis of sex. To ensure such nondiscriminatory effect:

- students must be selected for awards of financial assistance on the basis of nondiscriminatory criteria;

- an appropriate sex-restricted award should be allocated to each student selected;

- no student may be denied the award for which he or she was selected because of the absence of financial assistance designed for a member of that student's sex. (According to the preamble of the regulation, if there are insufficient sources of financial aid designated for members of a particular sex to provide funds for students of that sex selected, the institution is required to obtain the necessary funds from other sources or to award less assistance from the sex-restricted sources.) [§86.37(b)]

If a recipient awards athletic scholarships, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic scholarships for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with the portion of the regulation dealing with athletics. [§86.37(c)]

Employment assistance to students. A recipient institution which assists any agency or person in making employment available to its students must assure itself that employment is made available without discrimination; it may render no services or assistance to agencies or individuals which discriminate on the basis of sex in employment practices. [§86.38]

Health and insurance benefits and services. Institutions may not discriminate on the basis of sex in providing medical, hospital, accident, or life insurance benefits, services, policies, or plans to any students. This does not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. Any recipient which provides full coverage health services must provide gynecological care. [§86.39]

Marital or parental status. A recipient may not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex. [§86.40(a)]

No student may be discriminated against or excluded from an education program or activity (including any class or extracurricular activity) on the basis of pregnancy or related conditions unless the student requests voluntarily to participate in a separate portion of the program or activity. [§86.40(b)]

and comparable in quality and cost to students of both sexes. A recipient may not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by the recipient. [§86.32(c)]

Facilities. A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex; those provided for one sex must be comparable to those provided for the other. [§86.33]

Course offerings. Course offerings or other education activities may not be provided separately on the basis of sex, nor may participation therein be refused or required on such basis. Included are health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. [§86.34]

- With respect to physical education courses, institutions must comply with this requirement as expeditiously as possible but in no event later than one year from the effective date of the regulation at the elementary level and three years from the effective date of the secondary and post-secondary levels. Students may be grouped by ability in physical education classes and activities as long as ability is assessed by objective standards developed and applied without regard to sex. Students may be separated by sex within physical education classes during participation in contact sports. [§86.34(a)(b)(c)]

- Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted separately for males and females. [§86.34(e)]

- Recipient institutions may make requirements based on vocal range or quality which result in choruses of one or predominantly one sex. [§86.34(f)]

Schools of vocational education. A local education agency may not, on the basis of sex, exclude any person from admission to any institution of vocational education or any other school or educational unit it operates unless it otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service and facility offered in or through such schools. [§86.35]

Counseling and counseling materials. Institutions may not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants. [§86.36(a)]

- Recipients may not use different materials for students on the basis of sex or use materials which permit or require differential treatment of students on such basis unless such materials cover the same occupations and interest areas and their use is shown to be essential to eliminate sex bias. Recipients must develop and use internal procedures for ensuring that counseling materials do not so discriminate. [§86.36(b)]

- Where a recipient finds that a particular class or course of study contains a substantially disproportionate number of individuals of one sex, the recipient must take such action as is necessary to assure itself that this disproportion is not the result of sex discrimination by counselors or in counseling materials. [§86.36(c)]

Financial assistance. Recipients may not, on the basis of sex:

- provide different amounts or types of financial assistance, limit eligibility for such assistance, or apply different criteria;

- A recipient may require a pregnant student to obtain a physician's certification of her physical and emotional ability for normal participation in the education program or activity if such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

- A recipient which operates a portion of its education program separately for pregnant students, admission to which is voluntary, must ensure that this program is comparable to the program offered to nonpregnant students.

- A recipient must treat pregnancy and related conditions in the same manner and under the same policy as any other temporary disability with respect to any medical or hospital benefit, service, or policy in which such recipient participates with respect to students. If there is no leave policy maintained for students, pregnancy and related conditions must be treated as justification for a leave of absence, after which a student shall be reinstated to the status she held before the leave began. [§86.40(b)]

Athletics. The general requirement of this section is that:

no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide athletics separately on such basis. [§86.41(a)]

Separate teams may, however, be operated for members of each sex where:

- selection for such teams is based upon competitive skill; or

- the activity involved is a contact sport.

Where a recipient operates or sponsors a team in a particular sport for members of one sex but operates no such team for members of the other, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport (boxing, wrestling, rugby, ice hockey, football, basketball, and other sports the major activity of which involves bodily contact). [§86.41(b)]

Equal opportunity for members of both sexes must be provided in interscholastic, intercollegiate, club, or intramural athletics operated or sponsored by a recipient. In assessing the availability of equal opportunity, HEW will consider, among other factors:

- whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

- provision of equipment and supplies;

- scheduling of games and practice time;

- travel and per diem allowance;

- opportunity to receive coaching and academic tutoring;

- assignment and compensation of coaches;

- provision of locker rooms, practice and competitive facilities;
- provision of housing and dining facilities and services;
- publicity.

Unequal aggregate expenditures for members of each sex or for male and female teams will not constitute noncompliance, but HEW may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity. [§86.41(c)]

All recipient institutions must comply as expeditiously as possible; elementary schools must be in full compliance with this section within one year from the effective date of the regulation, secondary and post-secondary schools within three years. [§86.41(d)]

Textbooks and curricular materials. Nothing in the regulation requires or prohibits the use of particular textbooks or curricular materials. [§86.42]

Recruitment. A recipient may not discriminate on the basis of sex in the recruitment and hiring of employees. When a recipient is found to be presently discriminating on the basis of sex (or to have so discriminated in the past), it will recruit members of the sex so discriminated against so as to overcome the effects of past or present discrimination. A recipient may not recruit primarily at entities which furnish as applicants predominantly members of one sex [§86.53]

Compensation. A recipient may not, on the basis of sex, make distinctions in rates of pay or other compensation which result in the payment of wages to employees of one sex at a rate less than that paid to employees of the other sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility and which are performed under similar working conditions. [§86.54]

Job classification. A recipient may not:

- classify a job as being for males or females;
- maintain separate lines of progression, seniority lists, career ladders, or tenure systems based on sex;
- maintain separate lines of progression, etc., which classify persons on the basis of sex unless sex is a *bona fide* occupational qualification for the positions in question. [§86.55]

Fringe Benefits. Under this regulation, fringe benefits means any medical, hospital, accident, life insurance, or retirement benefit, service, policy, or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment. A recipient shall not:

- discriminate on the basis of sex with regard to making fringe benefits available to employees, or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;
- administer, operate, offer, or participate in a fringe benefit plan which does not provide *either* for equal periodic benefits or equal recipient contributions to the plan for members of each sex;
- participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates on such basis. [§86.57 (a)(b)]

Marital or parental status. A recipient may not:

- take any employment action concerning the potential marital, parental, or family status of an employee or applicant which treats persons differently on the basis of sex; or
- which is based upon whether an employee or applicant is the head of household or principal wage earner. [§86.56(a)]

Pregnancy. A recipient may not discriminate against or exclude from any employee or applicant on the basis of pregnancy or related conditions. Pregnancy and all related conditions must be treated as any other temporary disability for all job related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and reinstatement, and under any fringe benefits offered to employees. If a recipient does not

EMPLOYMENT

General. All education institutions receiving Federal financial assistance must comply with the employment provisions of the regulation. In general, the regulation prohibits:

- exclusion from participation in, denial of the benefits of, or subjection to discrimination on the basis of sex of any person in employment, or recruitment, consideration, or selection thereof, whether full or part-time;
- the limitation, segregation, or classification of applicants or employees in any way which could adversely affect any employment opportunities or status because of sex;
- entrance by a recipient into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to sex discrimination, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient;
- the granting of preferences to applicants for employment on the basis of attendance at a single sex educational institution, unless the numbers of each sex eligible for such preference are roughly equivalent. [§86.51(a)]

Specifically, discrimination is prohibited in:

- recruitment, advertising, and the process of application for employment;
- hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;
- rates of pay or any other form of compensation;
- job assignments, classifications, and structure, including position descriptions, lines of progression, and seniority lists;
- the terms of any collective bargaining agreement;
- granting and return from leaves of absence, leave for pregnancy and related conditions, leave for persons of either sex to care for children or dependents;
- fringe benefits;
- selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, sabbaticals and leaves of absence to pursue training;
- employer-sponsored activities, including social or recreational programs;
- any other term, condition, or privilege of employment [§86.51(b)]

Employment criteria. A recipient may not administer any test or other criterion for employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless it is shown to validly predict successful performance in the position in question and alternative tests or criteria are not available. [§86.52]

maintain a leave policy for its employees, pregnancy and related conditions must be treated as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began, or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities. [§86.57(b)(c)(d)]

Pre-employment inquiries. A recipient may not make pre-employment inquiry as to the marital status of an applicant for employment. A pre-employment inquiry as to applicant sex may be made, but only if such inquiry is made equally of applicants of both sexes and if the results of the inquiry are not used to discriminate. [§86.60(a)(b)]

Sex as a *bona fide* occupational qualification. Recipients may make employment decisions prohibited by the regulation provided they can demonstrate that sex is a *bona fide* occupational qualification which is essential for carrying out job responsibilities. Such action cannot be based on alleged characteristics or stereotyped characterizations of one or the other sex, or on preference based on sex of the recipient, employees, students, or other persons. This does not prevent consideration of an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex. [§86.61]

Note: Title IX coverage of employment practices has been at issue in the recent case of *Romeo Community Schools v. U.S. Department of Health, Education, and Welfare.* In this case, the Romeo, Michigan Community Schools sought to stop HEW from enforcing the Title IX regulation provisions regarding employee pregnancy and maternity leave. Although the opinion issued by U.S. District Judge Feikens in April 1977 concluded that Title IX was not intended to reach any of the employment practices of recipients, the judgment entered in May 1977 to implement the opinion declared invalid only that section of the Title IX regulation dealing with the marital and parental status (including pregnancy) of employees. Furthermore, the Office for Civil Rights has announced its decision to continue enforcement of Title IX regulatory requirements related to employment (including those related to pregnancy) as usual outside the jurisdiction of the U.S. District Court for the Eastern District of Michigan and to appeal the decision by Judge Feikens.

ENFORCEMENT PROCEDURES

Pending HEW's final issuance of a consolidated procedural regulation applicable to Title IX and other civil rights legislation administered by the Department, the procedures applicable to enforcement of Title VI of the Civil Rights Act of 1964 will be used to implement the regulation under Title IX. Under these existing procedures, complaints alleging violations of Title IX may be filed by letter to the Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20201 or to the appropriate Regional Office of the Department of HEW.

APPENDIX

B

COMPONENTS OF A GRIEVANCE PROCEDURE

I. Provisions related to the initiation of grievances:

   A. The definition of who may grieve

   B. The definition of what shall constitute a grievance

   C. The stipulation of time limits for the initiation of grievances

   D. The stipulation of the manner or form in which grievances shall be initiated

   E. The specification of any assistance available to grievants for the initiation/presentation of a grievance

II. Provisions related to the processing of grievances:

   A. The number and levels of steps for grievance processing

   B. The form of grievance presentation or processing each step

   C. Requirements for notification of involved parties at various phases of the grievance process

   D. Timelines governing the various actions or steps within the grievance process

   E. Procedures which shall govern the conduct of grievance meetings or hearings at any step of the grievance process (e.g., the minimum time allocated for the grievance hearing; the time allocated to each party; the right of each party to representation; the right to present witnesses and evidence; the right to question opposing witnesses; the moderation of hearings; the right to confidential or public grievance hearings; procedures for recording the meeting or hearing)

F. Requirements for the filing or submission of written information by the grievant or the respondent

G. The specification of the forms which grievance decisions shall take at each step

H. The roles and/or selection of persons involved in grievance processing

III. Provisions related to the basic procedural rights of the parties to the grievance:

A. The grievant's right of appeal

B. The right of all parties to impartial grievance decisionmakers

C. The access of grievants to relevant agency/institutional records

D. Protection of grievants from harassment and retaliation

E. Confidentiality of grievance proceedings

APPENDIX

C

ANYONE'S GUIDE TO FILING A TITLE IX COMPLAINT*

Different treatment based on a person's sex in schools, colleges and other agencies receiving federal education aid is now illegal under federal law: Title IX of the Education Amendments of 1972.

The U.S. Department of Health, Education and Welfare (HEW) is charged with making sure that schools and colleges stop discriminating because of sex. But HEW's civil rights offices depend on citizens around the country to let them know when these institutions are not complying with the law.

If you think your school is treating students or employees unfairly because of their sex, you may want to go directly to the school authorities to ask for change. If that doesn't work and you decide to ask HEW for help, here's how to go about it.

Who can file a Title IX complaint?

Anyone--a group or an individual--can ask HEW to check into possible violations of Title IX. A student or an employee can file a complaint. So can a parent, an organization, or just a plain interested citizen. You don't have to be a victim of discrimination yourself to file a complaint.

If you think the institution you are citing might harass any one individual who files a complaint (this happens sometimes to employees), it's a good idea to have an organization send in the complaint instead.

Check in your area for organizations that might be able to press the case. Local chapters of organizations such as the National Organization for Women (NOW), the American Civil Liberties Union (ACLU), the American Association of University Women (AAUW), or the Women's Equity Action League (WEAL) might be good places to start.

Is there a deadline for filing a complaint?

Generally, you must file a Title IX complaint within 180 days after the discrimination occurs. If the discrimination is continuing--certain classes are closed to girls or boys, the athletics program for girls is inferior, and so on--you can send a complaint anytime.

Is there a required form for filing complaints?

No. You file by writing a letter to HEW's Office for Civil Rights explaining why you think your school district is violating the law. Sometimes an HEW office will send back a form to fill out, but a letter is always the place to start.

A recent court ruling laid out certain information which you need to include in a Title IX complaint in order for the complaint to be considered "complete". HEW does not have to act on your complaint unless you provide them with that information, so do take care to include all the necessary details.

Here's what must be in your letter.

> The name and address of the school district or institution you believe is discriminating on the basis of sex.
>
> The names and addresses of the people you think are suffering discrimination if there are three or fewer of these people. If you think a whole group is being discriminated against, explain generally what the group is (such as"girls in 6th grade gym at Wilson School" or "senior high school girls"). In the case of a group of more than three, you do not have to supply names and addresses.
>
> The approximate date the discrimination took place, and whether it's still going on.
>
> Enough information about the discrimination to enable HEW to start investigating, as well as any evidence you can offer.
>
> Your name, address and, if possible, a telephone number where you may be reached during the day.

In addition to these basic requirements, it's a good idea to include the name, address, and phone numbers of anyone else who may have more information regarding the case. Explain why you think HEW should talk to them and mention any other sources of information you think they should check.

If you think the complaint is an emergency--for instance, someone's about to lose his/her job or be suspended from school--say so very clearly. Underline it. This is important. It can mean that HEW may act faster. More on this in the section describing what HEW will do with your complaint.

Also, if you specifically request it, HEW is obliged to tell you its preliminary findings and allow you to present more evidence if you wish.

In any case, HEW must notify you of its final decision as to whether there was discrimination. Again, if you specifically request it, HEW must give you a copy of all correspondence with the school concerning the complaint.

You'll find a sample letter laying out all these points at the end of this article.

Where do I send the complaint?

Address your letter to the director of HEW's regional Office for Civil Rights with jurisdiction over your state.

You may also want to send copies to your representative in Congress, senators, the school board, local newspapers, and local organizations which might be interested--unless, of course, you'd prefer that your complaint is kept confidential.

Send PEER a copy of your complaint. Unfortunately, we can't help individual complainants get action. Much as we would like to, there just aren't enough of us at PEER to go around. But knowing what's going on around the country helps us push HEW for stronger enforcement.

What about privacy?

By law, HEW must keep the identity of the person or group who sent in a complaint confidential, unless this information must be disclosed during an investigation.

Even so, if you want your name withheld, it's a good idea to stress that in your letter to HEW. Ask HEW to let you know in advance if they do have to reveal your name.

Sometimes a school or school district accused of discrimination will try to discourage complaints by harassing a person who files one. If you think that could happen, do stress your need for confidentiality or ask an organization to file the complaint instead.

On the other hand, many people or groups who file complaints publicize it themselves, since bad publicity for the institution can sometimes prompt a quick end to an unfair practice--even before HEW has a chance to investigate.

What if there's more than one instance of discrimination?

If you believe there's a pattern of discrimination against girls and women throughout the school, school district or college, say so in your complaint. Describe each kind of discrimination you know about, and ask HEW to check them all.

Even if you just want to end one particular discrimination problem--someone's been barred from a course because of her sex, for instance--try to show it's not just an isolated incident. Your case will be stronger if you can show this instance is a part of a general pattern of discrimination against women and girls (or men and boys).

What will HEW do with the complaint?

Under a 1976 court ruling, HEW is supposed to investigate all Title IX complaints against elementary and secondary schools within certain deadlines. While the ruling only technically applies to 17 southern and border states, HEW has repeatedly promised to use the same deadlines in resolving elementary and secondary complaints in the other states, too.

HEW does not have to meet these deadlines on complaints against colleges and universities.

Here's how the process works:

When HEW receives your complaint, it must write you back promptly acknowledging the complaint. If HEW thinks the complaint does not give enough information to begin investigating, the letter must tell you what additional information you need to send in.

Once HEW has all the needed information, it has 90 days to investigate the charges. By the end of that time, HEW should have written the school district stating its findings.

If HEW finds that there is discrimination, it has 90 more days to work out an agreement with the school district which will end the discrimination.

If HEW cannot negotiate an agreement with the school district to end the sex discrimination, then the government has 30 days to begin the formal enforcement proceedings which could result in cutting off federal funds to the school district.

There are shorter deadlines for action when the situation is so urgent that the complaint is an "emergency". Loss of a job or threat of expulsion might be situations qualifying as an emergency.

HEW can stretch these time limits a bit if a necessary witness is unavailable because of summer vacation, but it should not, under any circumstances, add more than 30 days after the end of the summer recess.

What happens if HEW is swamped by complaints?

It may happen that a particular HEW regional office will have too many Title IX complaints to handle within the new time limits. If this should happen, the regional office may postpone action on up to 20% of its total caseload until the next year. However, any postponed complaints must be investigated within the following year.

If you think HEW is slow acting on your complaint, don't hesitate to call or write them urging them to move faster. It can't hurt, and sometimes it can help to speed up the process.

Is it worth filing a Title IX complaint?

You are the only one who can really decide, but there are times when it can be very important.

> If you have been pressuring a school district to end sex biased practices and they have been slow

or resistant to change, then sometimes filing a Title IX complaint will prompt them to move more quickly.

When HEW does intervene, their word can carry weight. After all, they CAN cut off federal funds to the school district.

HEW is likely to devote greater energy and resources to enforcing Title IX when they know the public demands it. Complaints tell them the demand is there now.

* PEER, August, 1977.

APPENDIX C (continued)

SAMPLE LETTER FOR FILING A TITLE IX COMPLAINT

Regional Director
Office for Civil Rights, Region_____
U.S. Department of Health, Education and Welfare
(Adress of your region)

Dear_____:

I/We are filing a complaint of sex discrimination under Title IX of the Education Amendments of 1972 against (name and address of school district, university, or other institution receiving federal education aid).

(The next paragraph should explain what person or group of people you believe is being discriminated against. If it's three or fewer people, give their names and addresses. If there are more than three, just describe them generally--"the girls in 6th grade gym classes" for example.)

(Follow this with as complete a description of the sex discrimination as you can. Make sure to tell what happened, when it happened and if the discrimination is still going on. Attach any evidence you may have which supports the complaint, such as letters, student handbooks, and so on. Name any people you think were responsible for the discrimination and their position in the school.)

(If the damage or potential damage caused by discrimination is an emergency, say so. Underline it.)

The following people have agreed to provide further information to your staff. (Here, list the people willing to talk to HEW. Explain how they can provide valuable information relating to your complaint, and tell HEW where they can be reached. If their names must be kept confidential, note this as well.)

I/We ask that you investigate this complaint immediately and notify me/us of the time the investigation will take place. In addition, please send me/us copies of all written preliminary findings of the case and a copy of all HEW's correspondence with the school district.

Sincerely,

Name
Address
Daytime phone number, unless you prefer not to receive calls on the case at work.

If you are sending copies of your complaint to other persons, list them below.
For example:

cc: School Board
Senators
Members of Congress
Governor
State Legislators
National Organizations
Newspapers
PEER

APPENDIX

D

DEFINITIONS

A sex role stereotype is the assumption that the male half of our population has in common one set of abilities, interests, values, and roles; and the female half of our population has in common another set of abilities, interests, values, and roles. Sex role stereotyping reflects oversimplified attitudes about males and females. It completely ignores individual differences. For example, the belief that all or most boys are good in math and science is a sex role stereotype. The belief that all or most girls are quiet and passive is another sex role stereotype.

Sex bias is the tendency to presuppose or make assumptions based on limited information or stereotyped images of males and females. Biases, like stereotypes, can be detrimental when acted upon in situations like couseling or hiring practices. While NEITHER stereotyping nor bias IN THEMSELVES constitute discrimination or a violation of Federal regulations, they may set the stage for discriminatory behavior.

Sex discrimination is the denial of opportunity, privilege, role, or reward on the basis of sex. When a school practices sex discrimination, it excluded persons or treats them differently on the basis of sex. Discrimination may affect either males or females. A school policy that allows only girls to take home economics is one example of sex discrimination; one that gives boys first choice of athletic activities is another.

Corrective action is an action taken to modify a discriminatory policy, program or practice to attain its compliance with Title IX requirements.

Remedial measure is a measure taken to overcome the effects of the discriminatory policy, program or practice.

APPENDIX

E

SUGGESTED ANSWERS TO CASE STUDIES DISCUSSION QUESTIONS

CASE STUDY 1

1. Laws violated are Title VII and Title IX.

2. Ms. Ramirez could file a complaint under Title VII or Title IX. She may bring civil suit under the 14th Amendment, charging unequal treatment under the laws.

3. With documentation, logs, dates, and a medical certificate, Ms. Ramirez could show unfair treatment.

CASE STUDY 2

1. The missing elements are questions related to the job description.

2. The only permissible concern is the questions related to travel.

3. All questions except the one related to travel are illegal as they do not relate to the job description.

CASE STUDY 3

1. Section 86.41 of the Title IX regulations supports the coed soccer team.

2. If adequate supervision is provided, the athletic director is not liable nor negligent.

3. The parents would probably not win a suit if brought against the district.

CASE STUDY 4

1. Yes, the parent's request is valid.

2. The mother should contact the principal and/or superintendent.

3. a. The Title IX grievance committee would warn the district to allow the opportunity for the female because of previous discriminations in course offerings.

b. An investigation would begin asking the district to show that opportunities for females had not been limited in the past.

c. A Title VI complaint would probably bring the result that the district would be directed to make room for the female student.

CASE STUDY 5

1. The Title IX coordinator would outline, for the teacher and the principal, that equal opportunity includes use of cars and all facilities as in 86.41 (c).

2. The principal should take steps to assure that boys and girls are treated to the same benefits of transportation.

3. Girls are being discriminated against if the policy remains unchanged. A strong message is being sent to the female coach and to the female participants that the interests of girls would not receive the attention of school officials.

APPENDIX

F

SAMPLE TITLE IX GRIEVANCES

ANALYSIS

In each instance, the answers provided are based on the assumption that the information provided in the grievance has been confirmed.

Julio Vargas: Violation of Title IX? Yes.

The failure to notify students, employees, and parents of elementary and secondary students regarding Title IX compliance policies would be a violation of the Title IX regulation. If the other procedural requirements--designation of a compliance officer, development of a grievance procedure, and completion of an institutional self-evaluation--have not been completed, these would also be Title IX violations. 86.9 , 86.8 , 86.3(c) .

Corrective actions:

Develop a policy statement regarding nondiscrimination and Title IX compliance and notify all students, employees, and parents of this policy.

Designate a compliance officer who is responsible for coordinating efforts to comply with Title IX.

Develop a written grievance procedure for processing Title IX complaints and notify all students and employees of its existence.

Complete an institutional self-evaluation.

Remedial measures:

Provide workshops for all personnel to inform them of Title IX requirements.

Provide briefings or workshops for school board members to inform them of Title IX requirements and their legal responsibilities for compliance.

Friends of Education: Violation of Title IX? No.

The Title IX regulation specifically exempts coverage of textbooks and instructional materials and cites the First Amendment's guarantee of freedom of expression as a possible conflict. The preamble to the regulation, however recognizes the problem of sex bias in textbooks and

instructional materials and urges state and local education agencies to take appropriate actions.

It should also be noted that the Title IX regulation does not require the extension of the grievance procedure beyond students and employees, but a local education agency may wish to permit community groups to use the local grievance procedure.

Flo Perkins: Violation of Title IX? Yes.

Job classifications may not be sex designated unless a bona fide occupational qualification (BFOQ) based on sex is involved (e.g., locker room attendants). Two factors mitigate against a BFOQ in this case: a) replacing light bulbs is not a major activity of the janitor's job, and b) it has not been established that women cannot replace light bulbs. Title IX violation under section 86.61.

Corrective actions:

Ensure that Ms. Perkins is given fair consideration for the next available janitorial position.

Modify the job classification to eliminate sex differentiation.

Remedial measures:

Notify all personnel currently occupying matron or janitorial positions of the change in policy.

Review all job classifications and modify them as necessary to eliminate sex differentiation.

Review all job announcements and position descriptions to ensure nondiscrimination.

Develop written statements of skill requirements for all positions and provide all applicants the opportunity to be tested according to these job-related criteria.

Nancy Holgate-Wilson: Violation of Title IX? Yes.

The selective harassment of students on the basis of sex

would be a violation of the Title IX regulation, sections 86.31(b)(1-4(8), 86.34.

Corrective actions:

Inform metals class instructor, Bob Hawker, that his behavior violates the Title IX regulation and instruct him to cease his harassment of female students.

Inform Vennie Lawrence that Bob Hawker has been instructed to cease his harassment and that she may notify the principal if she is harassed again.

Provide Vennie Lawrence the opportunity to transfer to another metals shop class.

Develop and disseminate a policy statement regarding teachers' responsibilities for nondiscriminatory treatment of students.

Remedial measures:

Make a survey to identify those female students who have been interested in metals class or in other sex-segregated courses. Encourage these students to enroll in such classes if they are still interested.

Develop and disseminate guidelines to instructional staff regarding nondiscriminatory treatment of students on the basis of sex.

Provide relevant in-service training programs for instructional personnel.

Provide all students with information and counseling regarding the changing roles of women and men in the world of work and in other life areas, and the importance of considering a variety of course options, both traditional and nontraditional.

Katrina Breedlove: Violation of Title IX? Yes.

The use of sex differentiated criteria for admission to a vocational school or program is prohibited by the Title IX regulation. 86.21(b)(2)

Corrective actions:

Admit Katrina Breedlove to the auto mechanics course without a statement of job availability (or require that males students also produce a signed statement of a job opportunity in order to be admitted).

Prepare and disseminate to all relevant staff a policy statement regarding nondiscriminatory standards for admissions in vocational education schools and courses.

Remedial measures:

Survey all women in the school (or feeder schools) to identify any interested female students who have been denied admission or discouraged from enrollment in auto mechanics due to the job opportunity guarantees requirement. Females who are identified as having been denied/discouraged from enrollment should be contacted to ascertain current interest and provided opportunity for enrollment in auto mechanics.

Inform all students of their equal opportunity to enroll in auto mechanics and other vocational education courses.

Connie Jacobs: Violation of Title IX? Yes.

Rules which mandate or permit differential treatment of male and female students on the basis of their marital or parental status would be in violation of the Title IX regulation. 86.40(b)(2)

Corrective actions:

Reinstate Connie Jacobs as a member of the cheerleading squad.

Develop a policy regarding the nondiscriminatory treatment of male and female students on the basis of their marital or parental status in all curricular and extracurricular activities.

Remedial measures:

Develop and disseminate to all staff guidelines for ensuring nondiscriminatory treatment of male and female students with regard to their marital or parental status.

Survey staff to ensure that other students have not been denied opportunities in extracurricular activities on the basis of the previous policy regarding parental status. If any instances are identified, inform these students of their right to participate in extracurricular activities.

Angelo Scalva: Violation of Title IX? Yes.

Providing parallel sex-segregated activities in coeducational classes would not meet the requirements for integrated physical education courses. Students may be segregated on the basis of sex only for those portions of the class which are devoted to contact sports. In addition, sexually disproportionate groupings which result from the application of appropriate, objective tests of ability are permitted. 86.34 (a-c)

Corrective actions:

Issuance of a policy directive requiring:

Integration of activities for male and female students during physical education classes except during participation in contact sports.

Assignment of female and male teachers on the basis of skills rather than on the basis of sex.

Remedial measures:

Development and dissemination of policy guidelines regarding student grouping and assignment of staff in coeducational physical education classes.

Review of physical education curriculum to ensure provision of a sufficient variety of activities to meet the needs of all students.

Evelyn Marcus: Violation of Title IX? Yes.

Assignment of supervisory responsibility on the basis of sex and the issuance of keys to male staff only would be discriminatory. The Title IX regulation does not prescribe any specific administrative structure, but no structure may be used which results in a disparate effect on employees of one sex. 86.51(a) , 86.55(a) .

Corrective actions:

Require the department chairperson to provide keys to all personnel with legitimate need for access to equipment.

Require the department chairperson to delineate the requirements for supervision of physical education classes and assign staff to supervisory responsibility on the basis of their qualifications rather than on the basis of sex.

Remedial measures:

Provide physical education staff guidelines for the nondiscriminatory assignment and treatment of staff.

Provide relevant in-service training to all physical education staff.

WORKSHOP EVALUATION SHEET

__Female

__Male

__Student

__Parent

__Teacher

__Administrator

Years of Age

__6-15

__16-20

__21-25

__26-30

__31-45

__46-Above

DIRECTIONS: Please complete and return to the workshop facilitator, using the rating scale below showing 1 as the lowest value and 5 as the highest.

	LOW				HIGH
1. The workshop objectives were met:					
a. Review of Title IX regulations	1	2	3	4	5
b. Your understanding of Title IX	1	2	3	4	5
c. Review of Title IX grievance procedures	1	2	3	4	5
d. Identifying Title IX violations	1	2	3	4	5
2. There was enough time to get the information needed.	1	2	3	4	5
3. My feelings about sex equity were changed by this workshop.	1	2	3	4	5
4. I feel grateful to have become a part of the Title IX network.	1	2	3	4	5
5. I now feel more positive about my own career goals.	1	2	3	4	5
6. I feel relieved to know that others had some of the same concerns I had.	1	2	3	4	5
7. It is comforting to know that Title IX is moving toward ways to provide quality education for males and females.	1	2	3	4	5

8. This workshop has made me feel more capable as a person. 1 2 3 4 5

9. This workshop has made me feel more capable professionally. 1 2 3 4 5

10. Because of this workshop, I now have more positive feelings about my working interactions with members of the opposite sex. 1 2 3 4 5

11. Comments: _____

_____

_____

1978 - 1980 EDUCATIONAL PRIORITIES

AS ADOPTED BY THE COLORADO STATE BOARD OF EDUCATION

IMPROVEMENT OF BASIC SKILLS:

The Colorado Department of Education, through the accountability process and other proven methods, will help schools analyze and improve student skills in reading, writing, speaking, listening and mathematics.

IMPROVEMENT OF DISCIPLINE IN SCHOOLS:

The Department will assist schools to achieve a learning climate for improved student discipline to enhance the learning process.

IMPROVEMENT OF ORGANIZATION AND MANAGEMENT OF EDUCATION:

The Department will assist schools and libraries by coordinating and integrating state, local, and federal programs to strengthen their skills in research, evaluation, and planning, for effective use of financial and human resources.

IMPROVEMENT OF PUBLIC CONFIDENCE IN EDUCATION:

The Department will work with schools to improve public confidence in education through practical means including the state's accountability and accreditation processes and through increased involvement of the total community in the public school system.

IMPROVEMENT OF EQUALITY OF ACCESS TO INFORMATION:

The Department will identify and improve programs which assure equal access to information to help all Colorado citizens meet occupation, educational, and leisure time interests.

IMPROVEMENT OF LEADERSHIP AND STAFF DEVELOPMENT:

The Department will further efforts to strengthen leadership skills of all professional staffs in the Department of Education, schools, boards of cooperative services, and libraries and library systems through increased inservice programs planned and offered cooperatively with higher education and other appropriate organizations.

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